

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JARRETT MILLER,

Plaintiff

v.

C/O ERNEST FLOOR C/O, et al.,

Defendants

Case No. 2:24-cv-00404-RFB-MDC

ORDER

(ECF No. 1)

Plaintiff initiated this case with an application to proceed *in forma pauperis* for inmates. (ECF No. 1). Plaintiff has filed an updated address indicating that he is no longer incarcerated. (ECF No. 18). Because Plaintiff is no longer incarcerated, the Court denies his application to proceed *in forma pauperis* for inmates (ECF No. 1) as moot. The Court now directs Plaintiff to file an application to proceed *in forma pauperis* by a non-prisoner or pay the \$405 filing fee in full, by May 16, 2025.

While Plaintiff was still incarcerated, the Court referred this case to its Inmate Early Mediation Program. (ECF No. 5). Plaintiff subsequently filed an updated address, indicating he was no longer incarcerated, and then failed to appear for a mediation conference that the Court set. (ECF Nos. 9, 10). After Plaintiff's failure to appear, the Court received an updated address for him, indicating that he was at the Las Vegas Detention Center. (ECF No. 11). But the Court's order setting a second mediation conference was returned as undeliverable to that address, and the Court did not receive an updated address from Plaintiff. (ECF No. 15).

The Court issued an Order to Show Cause directing Plaintiff to show why the case should not be dismissed for his failure to appear and his failure to provide the Court his updated address. (ECF No. 17). Plaintiff subsequently filed an updated address, and the Court resent its Order to Show Cause. (ECF No. 18). In response, Plaintiff states that he was repeatedly transferred between various jail facilities, that he always tried to promptly

1 file his updated address with the Court, and that he did not receive updates from the
2 Court. (ECF No. 19). The Court will take Plaintiff at his word that his failure to appear was
3 due to changes in address, and that the delays in providing the Court an updated address
4 were due to delays processing mail in jail facilities. The Court will not issue any sanction
5 for Plaintiff's failure to appear or the delay in updating his address. However, the Court
6 will remind Plaintiff that if his address changes again, he must immediately file an updated
7 address with the Court. If Plaintiff misses any court filings because he did not promptly
8 file his updated address with the Court, this case may be subject to dismissal.

9 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's application to proceed *in*
10 *forma pauperis* for prisoners (ECF No. 1) is DENIED as moot.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court WILL SEND Plaintiff the
12 approved form application to proceed *in forma pauperis* by a non-prisoner, as well as the
13 document entitled information and instructions for filing an *in forma pauperis* application.

14 **IT IS FURTHER ORDERED** that on or before May 16, 2025, Plaintiff will either: (1)
15 file a fully complete application to proceed *in forma pauperis* for non-prisoners; or (2) pay
16 the full filing fee of \$405.

17 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
18 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
19 to refile the case with the Court, under a new case number.

20 **IT IS FURTHER ORDERED** that the Court will not sanction Plaintiff for his failure
21 to appear or delays in providing his updated address to the Court.

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23 DATED 4-18-25.

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26 UNITED STATES MAGISTRATE JUDGE
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